

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 191

Introduced by Assembly Member Bocanegra

January 28, 2013

An act to amend ~~Section~~ Sections 18901.2 and 18901.5 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL’S DIGEST

AB 191, as amended, Bocanegra. ~~CalFresh: categorical eligibility.~~
CalFresh.

(1) Existing law requires the Department of Community Services and Development to receive and administer the federal Low-Income Home Energy Assistance Program (LIHEAP) block grant. Under existing law, to the extent permitted by federal law, the State Department of Social Services, in conjunction with the Department of Community Services and Development, is required to design, implement, and maintain a utility assistance initiative to grant applicants and recipients of CalFresh benefits a nominal LIHEAP service benefit, as specified, out of the federal LIHEAP block grant. Existing law provides that, to the extent permitted by federal law, a CalFresh household receiving or anticipating receipt of a nominal LIHEAP service benefit is entitled to use the full standard utility allowance (SUA) for purposes of calculating CalFresh benefits.

This bill would, if the demand for the nominal LIHEAP service benefit exceeds allocated funding, require both departments to report that information to the Legislature and develop a plan to maintain the program as intended. The bill would require the State Department of Social Services to ensure that the receipt of the nominal LIHEAP service

benefit does not adversely affect a CalFresh household's eligibility or reduce the household's CalFresh benefits. The bill would provide that if use of the full SUA, rather than the homeless shelter deduction, results in a lower amount of CalFresh benefits for a homeless household, the homeless household would be entitled to use the homeless shelter deduction.

Existing

(2) *Existing* law provides for the federal Supplemental Nutrition Assistance Program (SNAP), under which each county distributes nutrition assistance benefits provided by the federal government to eligible households, and the CalWORKs program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. In California, federal nutrition assistance benefits are administered through CalFresh.

Existing law also provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons.

Under existing law, the State Department of Social Services is required to develop a program of categorical eligibility under CalFresh for needy households who meet all other SNAP eligibility requirements, in accordance with federal law.

This bill would require the State Department of Social Services, to the extent permitted by federal law, to ~~waive~~ *raise the maximum gross income allowed in the CalFresh gross income test for any individual who is categorically eligible for CalFresh and who is a member of a household that receives, or is eligible to receive, medical assistance under the Medi-Cal program.*

Because counties administer CalFresh, this bill would increase county duties by potentially expanding the eligible population, and would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 18901.2 of the Welfare and Institutions*
2 *Code is amended to read:*

3 18901.2. (a) It is the intent of the Legislature to create a
4 program in California that provides a nominal Low-Income Home
5 Energy Assistance Program (LIHEAP) service benefit, through
6 the LIHEAP block grant, to all recipient households of CalFresh
7 so that they are made aware of services available under LIHEAP
8 and so that some households may experience an increase in federal
9 Supplemental Nutrition Assistance Program benefits, as well as
10 benefit from paperwork reduction.

11 (b) To the extent permitted by federal law, the State Department
12 of Social Services (DSS) shall, in conjunction with the Department
13 of Community Services and Development (CSD), design,
14 implement, and maintain a utility assistance initiative: the “Heat
15 and Eat” program.

16 (1) The nominal LIHEAP service benefit shall be funded through
17 the LIHEAP block grant provided by the CSD to the DSS upon
18 receipt by the CSD of the LIHEAP block grant funds from the
19 federal funding authorities.

20 (2) The total amount transferred shall be the product of the
21 nominal LIHEAP service benefit established by the CSD in the
22 LIHEAP state plan multiplied by the number of CalFresh recipient
23 households as agreed upon annually by the CSD and the DSS.

24 (3) The total amount transferred shall be reduced by any
25 unexpended or reinvested amounts remaining from prior transfers
26 for the nominal LIHEAP service benefits as provided in
27 subparagraph (C) of paragraph (1) of subdivision (c).

28 (4) *Should the demand for the nominal LIHEAP service benefit*
29 *exceed allocated funding established by the CSD in the LIHEAP*
30 *state plan, the CSD and the DSS shall report that information to*
31 *the Legislature and develop a plan to maintain the program as*
32 *intended.*

33 (c) In implementing and maintaining the utility assistance
34 initiative, the State Department of Social Services shall do all of
35 the following:

36 (1) (A) Grant all recipient households of CalFresh benefits
37 pursuant to this chapter a nominal LIHEAP service benefit out of

1 the federal LIHEAP block grant (42 U.S.C. Sec. ~~8261~~ 8621 et
2 seq.).

3 (B) In establishing the nominal LIHEAP service benefit amount,
4 the department shall take into consideration that the benefit level
5 need not provide significant utility assistance.

6 (C) Any funds allocated for this purpose not expended by
7 CalFresh recipient households shall be recouped through the “Heat
8 and Eat” program and reinvested into the program on an annual
9 basis as determined by both departments.

10 (2) Provide the nominal LIHEAP service benefit without
11 requiring the applicant or recipient to provide additional paperwork
12 or verification.

13 (3) To the extent permitted by federal law and to the extent
14 federal funds are available, provide the nominal LIHEAP service
15 benefit annually to each recipient of CalFresh benefits.

16 (4) Deliver the nominal LIHEAP service benefit using the
17 Electronic Benefit Transfer (EBT) system or other nonpaper
18 delivery system.

19 (5) Ensure that receipt of the nominal LIHEAP service benefit
20 pursuant to this section shall not *adversely affect a CalFresh*
21 *recipient household’s eligibility, reduce a household’s CalFresh*
22 *benefits, or* disqualify the applicant or recipient of CalFresh
23 benefits from receiving other nominal LIHEAP service benefits
24 or other utility benefits for which they qualify.

25 (d) Recipients of the nominal LIHEAP service benefit pursuant
26 to this section shall remain subject to the additional eligibility
27 requirements for LIHEAP assistance as outlined in the California
28 LIHEAP state plan, developed by the CSD.

29 (e) (1) To the extent permitted by federal law, a CalFresh
30 household receiving or anticipating receipt of *a* nominal LIHEAP
31 service-benefits *benefit* pursuant to the utility assistance initiative
32 or any other law shall be entitled to use the full standard utility
33 allowance (SUA) for the purposes of calculating CalFresh benefits.
34 A CalFresh household shall be entitled to use the full SUA
35 regardless of whether the nominal LIHEAP service benefit is
36 actually redeemed.

37 (2) *If use of the full SUA, instead of the homeless shelter*
38 *deduction, results in a lower amount of CalFresh benefits for a*
39 *homeless household, the homeless household shall be entitled to*
40 *use the homeless shelter deduction instead of the full SUA.*

1 ~~(f) The department shall implement the initiative by January 1,~~
2 ~~2013.~~

3 **SECTION 1.**

4 *SEC. 2.* Section 18901.5 of the Welfare and Institutions Code
5 is amended to read:

6 18901.5. (a) (1) The department shall establish a program of
7 categorical eligibility for CalFresh in accordance with Section 5(a)
8 of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec.
9 2014(a)), and implementing regulations, to improve nutrition and
10 promote the retention and development of assets and resources for
11 needy households who meet all other federal Supplemental
12 Nutrition Assistance Program eligibility requirements. Categorical
13 eligibility for CalFresh shall also apply to any individual who is
14 a member of a household that will be receiving or is eligible to
15 receive cash assistance under Part 5 (commencing with Section
16 17000), or eligible to receive food assistance under Chapter 10.1
17 (commencing with Section 18930).

18 (2) The department, to the extent permitted by federal law, shall
19 ~~waive~~ *raise the maximum gross income allowed in* the CalFresh
20 gross income test for any individual who is categorically eligible
21 for CalFresh pursuant to paragraph (1), and who is a member of
22 a household that receives, or is eligible to receive, medical
23 assistance under Chapter 7 (commencing with Section 14000) of
24 Part 3.

25 (b) The director shall implement the program established
26 pursuant to this section only with the appropriate federal
27 authorization and if implementation would not result in the loss
28 of federal financial participation.

29 (c) Notwithstanding the rulemaking provisions of the
30 Administrative Procedure Act (Chapter 3.5 (commencing with
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
32 Code) and Section 10554, until emergency regulations are filed
33 with the Secretary of State, the State Department of Social Services
34 may implement the changes made by subdivision (a) through
35 all-county letters or similar instructions from the director. The
36 department shall adopt emergency regulations as necessary to
37 implement those amendments on or before January 1, 2010. The
38 program established pursuant to this section shall be established
39 on or before July 1, 2009, and shall be fully implemented as to
40 new applicants for CalFresh on or before January 1, 2010.

1 (d) The department shall adopt regulations to implement this
2 section. The adoption, amendment, repeal, or readoption of a
3 regulation authorized by this section is deemed to address an
4 emergency, for purposes of Sections 11346.1 and 11349.6 of the
5 Government Code, and the department is hereby exempted for this
6 purpose from the requirements of subdivision (b) of Section
7 11346.1 of the Government Code. The emergency regulations shall
8 be exempt from review by the Office of Administrative Law. The
9 department shall adopt final regulations implementing the program
10 authorized by this section on or before July 1, 2010.

11 ~~SEC. 2.~~

12 *SEC. 3.* If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.